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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
SUN-P5851

First named inventor: Thomas G. O'Neill

Application No.: 10/008,638

Art Unit: 2621

Filed: December 4, 2001

Examiner: (to be assigned)

Title: REPRESENTATION OF SIGN IN ENCODING SCHEME

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Notice to File Corrected Application Papers (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

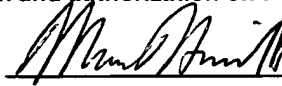
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 9, 2003

Date



Signature

Telephone
Number: (408) 292.5800

Marc S. Hanish

Typed or printed name

P.O. Box 640640

Address

San Jose, CA 95164-0640

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other : Replacement drawings, copy of Notice to File Corrected Application Papers; return postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

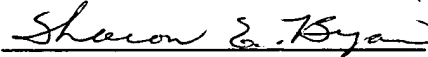
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

June 9, 2003

Date



Signature

Sharon E. Byam

Typed or printed name of person signing certificate

Statement Establishing Unintentional Delay
Under MPEP 711.03(c)(iii)(C) and (D)

This petition accompanies a response to the Notice to File Corrected Application in the above-identified application. The entire delay in filing this required reply before the due date was unintentional.

This application was filed by Sean Lewis, in-house counsel for Sun Microsystems, Inc. and until recently was being handled by Sun Microsystems, Inc. A copy of the Notice to File Corrected Application Papers was apparently placed in the file at some point, but no date stamp or other marker indicates when that may have been. However, Sean Lewis has indicated that he normally places his initials on any correspondence he sees, so the notice did not come through his desk. The notice was never entered into any sort of calendaring system, so Sun Microsystems, Inc. was not aware of any due date. Additionally, a file history ordered from the United States Patent and Trademark Office indicates that no Notice of Abandonment was ever sent, thus compounding the error.

This error went unnoticed until it was recently transferred to the law firm of Thelen Reid & Priest, where the notice and the lack of a reply was discovered. This was immediately investigated. Once the facts surrounding the lack of reply were discovered, this petition was prepared. The entire delay was unintentional by all parties involved.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the number indicated on the petition form.

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